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OFFICE OF PETITIONS

In re Patent No. 7,114,008 :
JUNGCK et al. : DECISION ON REQUEST
Issue Date: September 26, 2006: FOR RECONSIDERATION OF
Application No. 09/858,323 : PATENT TERM ADJUSTMENT
Filed: May 15, 2001 : and NOTICE OF INTENT TO ISSUE
Attorney Docket No. 10736/7 : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)" filed November 3, 2006. Patentees request that the Patent Term Adjustment for the above-identified patent be set at 912 days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of nine hundred twelve (912) days.

On September 26, 2006, the above-identified application matured into U.S. Patent No. 7,114,008. The instant request for reconsideration, filed November 3, 2006, was timely filed within two months of the date the patent issued. See § 1.705(d). The patent issued with a revised Patent Term Adjustment of 792 days. Patentees dispute the reduction of 120 days associated with the filing of the Information Disclosure Statement ("IDS") on January 6, 2006. Patentees state that the IDS, filed September 29, 2003, was inadvertently lost by the USPTO, and therefore, was resubmitted on January 6, 2006, as evidenced by the

itemized, date-stamped postcard receipt. Patentees assert that the resubmission of the IDS does not warrant reduction of the patent term adjustment pursuant to 37 CFR 1.704(c)(10).

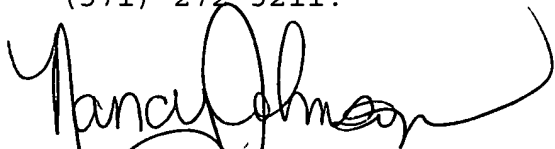
A review of the application history confirms that applicants' characterization of the basis for and amounts of the adjustments and reductions of patent term in this application are correct. The reduction of 120 days is not warranted.

In view thereof, the patent term adjustment indicated on the patent should be nine hundred twelve (912) days.

The Office will charge counsel's Deposit Account for the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by NINE HUNDRED TWELVE (912) days

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,114,008 B2

DATED : September 26, 2006

INVENTOR(S) : Jungek et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (792) days

Delete the phrase "by 792 days" and insert – by 912 days--